

Notice of Allowability

Application No.

10/698,583

Examiner

Ajay Vasudeva

Applicant(s)

GARCIA, PHILLIP P.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/08/2005.
2. ☒ The allowed claim(s) is/are 25-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael McKenna on 2/17/2006.

2. The application has been amended as follows:

The following new abstract has been added to replace the previous version.

ABSTRACT

Air propulsion system for a boat comprises an internal combustion engine for powering a propeller in a single rotational direction. A pivoting mechanism pivots the propulsion system through a 360 degree arc about a transverse horizontal axis from a first position in which the propeller produce a forward thrust, through a second position in which the propeller produces a downward neutral thrust and a turning torque, to a third position in which the propeller produce a reverse thrust, to a fourth position in which the propeller produces an upward neutral thrust and a turning torque. The turning torque produced by the propeller turns the boat to the left in the second position and to the right in the fourth position. The engine is adapted to pivot with the propeller and continues to operate under throttle control in all pivoted orientations.

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In the SPECIFICATION

- On page 3 (line 12), after "boat with means for rotating", -- , **or pivoting**, -- has been inserted.
- On page 8 (line 17), after "for propelling includes", -- **a pivoting mechanism, or** -- has been inserted.
- On page 9 (line 13), before "6", -- **including a securing mechanism** -- has been inserted.
- On page 9 (line 13), after numeral "6", -- **attaching** -- has been inserted.
- On page 9 (line 19), after "means for propelling 10 includes", -- **a pivoting mechanism, or** -- has been inserted.
- On page 10 (line 15), before "means for rotating 4", -- **pivoting mechanism, or the** -- has been inserted.

In the CLAIMS

- Claims **17-20, 23 and 24** have been cancelled;

The following new claims have been added

25. (New) An air powered boat having an air propulsion system comprising:

a) means for propelling the boat in every one of a forward, reverse and at least one neutral thrust turning direction having an engine powering a propeller in a single rotational direction, said engine is an internal combustion engine, said means for propelling includes a pivoting mechanism for pivoting the propeller about a transverse horizontal axis from a first position in

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which the propeller produces a thrust to move the boat forward through a second position in which the propeller produces a downward neutral thrust to a third position in which the propeller produces a thrust to move the boat in reverse;

- b) a securing mechanism attaching the means for propelling to the boat; and
- c) a fuel system with a fuel reservoir supported on a frame at an elevation above the internal combustion engine so that the fuel is fed to the engine by gravity when the propeller is in any pivoted orientation.

26. (New) An air powered boat having an air propulsion system comprising:

- a) means for propelling the boat in every one of a forward, reverse and at least one neutral thrust turning direction having an engine powering a propeller in a single rotational direction, said engine is an internal combustion engine, said means for propelling includes a pivoting mechanism for pivoting the propeller about a transverse horizontal axis from a first position in which the propeller produces a thrust to move the boat forward through a second position in which the propeller produces a downward neutral thrust to a third position in which the propeller produces a thrust to move the boat in reverse;
- b) a securing mechanism attaching the means for propelling to the boat; and
- c) a fuel system with a fuel reservoir supported on a frame at an elevation above the transverse horizontal axis so that the fuel is fed to the engine by gravity when the propeller is in any pivoted orientation.

27. (New) The air powered boat of claim 26, wherein the fuel system further comprises a flexible fuel line between the fuel reservoir and the engine.

28. (New) The air powered boat of claim 27, wherein the engine is pivotable with the propeller about the transverse horizontal axis, and wherein the flexible fuel line is operational when the engine is pivoted in any orientation about the transverse horizontal axis.

29. (New) An air powered boat having an air propulsion system comprising:

- a) means for propelling the boat in every one of a forward, reverse and at least one neutral thrust turning direction having an engine powering a propeller in a single rotational direction wherein the means for propelling includes a pivoting mechanism for pivoting the propeller about a transverse horizontal axis from a first position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat forward through a second position in which the propeller produces a neutral thrust turning torque to a third position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat in reverse to a fourth position in which the propeller produces a neutral thrust turning torque, wherein the second position produces a downward neutral thrust turning torque which turns the boat to the left and the fourth position produces an upward neutral thrust turning torque which turns the boat to the right; and
- b) a securing mechanism attaching the means for propelling to the boat.

30. (New) An air powered boat having an air propulsion system comprising:

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- a) means for propelling the air boat in every one of a forward, reverse and at least one neutral thrust turning direction having an engine powering a propeller in a single rotational direction, wherein the means for propelling includes a pivoting mechanism for pivoting the propeller about a transverse horizontal axis from a first position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat forward through a second position in which the propeller produces a neutral thrust turning torque to a third position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat in reverse; and
- b) a securing mechanism attaching the means for propelling to the boat, wherein the direction of thrust from the propeller is rotated through a 360 degree arc as the propeller is pivoted about the horizontal axis to propel the boat in every one of a forward direction, a neutral left thrust turning direction, a reverse direction, and a neutral right thrust turning direction.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
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2/19/06
AJAY VASUDEVA
PATENT EXAMINER